

1 10A NCAC 13G .1604 is proposed for adoption as follows:

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3 **10A NCAC 13G .1604 RATING CALCULATION**

4 (a) Ratings shall be based on:

- 5 (1) Inspections completed pursuant to G.S. 131D-2(b)(1a)a;
6 (2) Statutory and Rule requirements contained in Rule .1603;
7 (3) Type A or uncorrected Type B penalty violations identified pursuant to G.S. 131D-34; and
8 (4) Other items contained in (c)(1) and (c)(2) of this Rule.

9 (b) The initial rating a facility receives shall remain in effect until the next inspection. If an activity occurs which
10 results in the assignment of additional merit or demerit points, a new certificate shall be issued pursuant to Rule
11 .1602(a).

12 (c) The rating shall be based on a 100 point scale. Beginning with the initial rating and repeating with each annual
13 inspection, the facility shall be assigned 100 points and shall receive merits or demerits, which shall be added or
14 subtracted from the 100 points, respectively. The merits and demerits shall be assigned as follows:

15 (1) Merit Points

- 16 (A) If the facility corrects citations of noncompliance with the statutes or rules listed in Rule
17 .1603 of this Subchapter, which are not related to the identification of a Type A violation
18 or an uncorrected Type B violation, the facility shall receive 1.25 merit points for each
19 corrected deficiency;
20 (B) If the facility receives only standard citations on its annual inspection with no Type A or
21 Type B violations and the rating from the annual inspection is one star, the facility may
22 request DHSR to conduct a follow-up inspection not less than 60 days after the date of
23 the annual inspection. As determined by the follow-up review, the facility shall receive
24 1.25 merit points for each corrected deficiency;
25 (C) If the facility corrects the citation for which a Type A violation was identified, the
26 facility shall receive 5 merit points;
27 (D) If the facility corrects a previously uncorrected Type B violation, the facility shall
28 receive 2.5 merit points;
29 (E) If the facility's admissions have been suspended, the facility shall receive 5 merit points
30 if the suspension is removed;
31 (F) If the facility participates in any quality improvement program approved by the
32 Department, the facility shall receive 2.5 merit points;
33 (G) If the facility receives NC NOVA special licensure designation, the facility shall receive
34 2.5 merit points;
35 (H) On or after the effective date of this Rule, if the facility permanently installs a generator
36 or has a contract with a generator provider to provide emergency power for essential
37 functions of the facility, the facility shall receive 2 merit points. For purposes of this

1 Section, essential functions mean those functions necessary to maintain the health or
2 safety of residents during power outages greater than 6 hours. If the facility has an
3 existing permanently installed generator or an existing contract with a generator provider,
4 the facility shall receive 1 merit point for maintaining the generator in working order or
5 continuing the contract with a generator provider; and

6 (I) On or after the effective date of this Rule, if the facility installs automatic sprinklers in
7 compliance with the North Carolina Building Code, the facility shall receive 3 merit
8 points. If the facility has an existing automatic sprinkler, the facility shall receive 2 merit
9 points for subsequent ratings for maintaining the automatic sprinklers in good working
10 order.

11 (2) Demerit Points

12 (A) For each citation of noncompliance with the statutes or rules listed in Rule .1603 of this
13 Subchapter, the facility shall receive a demerit of 2 points. The facility shall receive
14 demerit points only once for citations in which the findings are identical to those findings
15 used for another citation;

16 (B) For each citation of a Type A violation, the facility shall receive a demerit of 10 points;

17 (C) For each uncorrected Type B violation, the facility shall receive a demerit of 5 points;

18 (D) If the facility's admissions are suspended, the facility shall receive a demerit of 10
19 points; however, if the facility's admissions are suspended pursuant to G.S. 131D-4.2, the
20 facility shall not receive any demerit points; and

21 (E) If the facility receives a notice of revocation against its license, the facility shall receive
22 a demerit of 15 points.

23 (d) Facilities shall be given a rating of one to four stars depending on the score assigned pursuant to (a), (b) or (c) of
24 this Rule. Ratings shall be assigned as follows:

25 (1) Four stars shall be assigned to any facility whose score is 100 points or greater and has received
26 NC NOVA special licensure designation;

27 (2) Three stars shall be assigned for scores of 90 – 99.9 points;

28 (3) Two stars shall be assigned for scores of 80 – 89.9 points; and

29 (4) One star shall be assigned for scores of 79.9 points or lower.

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31 History Note: Authority G.S. 131D-4.5; 131D-10;

32 Eff. April 1, 2008